

IDAHO CONTRACTORS BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 4/17/2012

BOARD MEMBERS PRESENT: Steve Pinther - Chair
Anthony J. Hughes
Timothy R Timmins
John Robert Pilote
Pamela Prather

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Naylor and Hales
Roger Hales, Naylor and Hales
Erin Anderson, Secretary

OTHERS PRESENT Tim and Erica Jones

The meeting was called to order at 8:30 AM MDT by Steve Pinther.

AGENDA

A motion to accept the agenda was made by Mr. Hughes. The purpose of the motion to accept the agenda was because additional application material, disciplinary matters, discussion material from the Board to do list and NASCLA was added to the agenda in the past few days. Seconded by Mr. Timmins, motion carried.

EXECUTIVE SESSION

A motion was made by Mr. Pilote that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Hughes. The vote was: Mr. Pilote, aye; Mr. Hughes, aye; Mr. Timmins, aye; Ms. Prather, aye; and Mr. Pinther, aye. Motion carried.

A motion was made by Mr. Hughes to exit executive session. Seconded by Mr. Timmins, motion carried. The vote was: Mr. Pilote, aye; Mr. Hughes, aye; Mr. Timmins, aye; Ms. Prather, aye; and Mr. Pinther, aye. Motion carried.

APPLICATIONS

A motion was made by Mr. Hughes to approve the following application for registration. Seconded by Mr. Pilote, motion carried:

RCT-33232 Timothy Jones

APPROVAL OF MINUTES

A motion was made by Mr. Pilote to approve the minutes of 1/25/2012, 2/1/2012, and 3/14/2012. Seconded by Mr. Timmins, motion carried.

FINANCIAL REPORT

Ms. Hall presented to the Board its current balance from the financial report which is linked above. She discussed the purchase of the new licensing system, noting that the cost of the system will be split between 28 other boards and that the Bureau is also working with other state agencies to help with the cost of the system. She stated that collections of accounts placed with the Bureau collection agency were up. The Board's current balance was \$394,224.50.

The Board reviewed a resolution regarding to Idaho Code 54-5210 that was proposed by Mr. Josh Watts. The Board determined that the resolution would make the verification of a registrant having the required general liability in place hard to monitor. No action was taken.

The Board reviewed the Frequently Asked Questions on the web and requested that the options available to registrants for canceling their registration and/or general liability insurance be added to this list.

DISCIPLINE

Mr. Nelson presented the following memorandum for Board review:

CON-2010-14 A motion was made by Mr. Hughes to close this file with a warning letter. Seconded by Ms. Prather, motion carried.

CON-2009-46 The Board agreed with the recommendations.

CON-2008-166 A motion to close this file was made by Mr. Hughes and Mr. Timmins. Seconded by Mr. Pilote, motion carried.

CON-2012-57 The Board agreed with the recommendations. Mr. Pinther recused himself.

CON-2008-165 The Board agreed with the recommendations.

CON-2009-57 A motion to close this file was made by Mr. Hughes. Seconded by Ms. Prather, motion carried.

CON-2011-40 The Board agreed with the recommendations.

CON-2010-18 A motion to close this file was made by Mr. Hughes. Seconded by Mr. Timmins, motion carried.

CON-2010-19 A motion to close this file with no warning letter was made by Mr. Hughes. Seconded by Mr. Pilote, motion carried.

CON-2010-8 The Board agreed with the recommendations.

CON-201-20 The Board agreed with the recommendations.

CON-2011-33 This file was held from Board review for additional research.

CON-2011-1 The Board agreed with the recommendations.

CON-2010-55 The Board agreed with the recommendations.

CON-2010-25 The Board agreed with the recommendations.

The following Stipulation and Consent Orders were presented to the Board:

CON-2008-156, CON-2009-61, CON-2010-13, CON-2010-78, CON-2012-56, and CON-2011-43 A motion was made by Mr. Hughes to approve all listed Stipulation and Consent Orders and authorize the Chair to sign. Seconded by Mr. Timmins, motion carried.

The following Findings of Fact, Conclusion of Law and Final Orders were presented to the Board:

CON-2008-162 and CON-2009-47 A motion was made by Mr. Hughes to accept the hearing officers Findings of Fact, Conclusion of Law and Final Order and authorize the Chair to sign. Seconded by Mr. Pilote, motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented to the Board the investigative memorandum which is linked above. The Board made the following motions:

I-CON-2011-69, I-CON-2011-182, I-CON-2011-192, I-CON-2012-26, I-CON-2012-66, I-CON-2012-71, I-CON-2012-79, I-CON-2012-113, I-CON-2012-124, and I-CON-2012-128 A motion was made by Mr. Pilote to close the files. Seconded by Mr. Hughes, motion carried.

I-CON-2011-189, I-CON-2011-208, I-CON-2012-85, I-CON-2012-86, and I-CON-2012-117 A motion was made by Mr. Pilote to close the files. Seconded by Mr. Hughes, motion carried.

I-CON-2011-262, I-CON-2012-9 I-CON-2012-94, I-CON-2012-95, I-CON-2012-99, I-CON-2012-101, I-CON-2012-102, and I-CON-2012-111 A motion was made by Mr. Pilote to close the files. Seconded by Mr. Hughes, motion carried.

I-CON-2010-59 and I-CON-2011-131 A motion was made by Mr. Pilote to close the files. Seconded by Mr. Hughes, motion carried.

DISCIPLINE

Mr. Hales reviewed with the Board the various options associated with those contractors who continue to practice after revocation of their registration. The Board discussed what to do if the registrant after the Board revokes the registration continues to practice. The Board decided the file will be reviewed by Mr. Hales and Ms. Peel to determine if it has met all the criteria to be forwarded to the local county prosecutor since the contractor is committing a crime. Mr. Pinther requested that the Board make a request to be placed on the county prosecutor's next agenda.

Mr. Hales presented the following prosecutorial files to the Board for determination based upon certain evidence presented to the Board showing a lack of insurance and requesting a proposed emergency suspension of their registration:

CON-2012-47 A motion was made by Ms. Prather to accept the Emergency Suspension order and authorize the Chair to sign. Seconded by Mr. Hughes, motion carried.

CON-2012-48 A motion was made by Mr. Hughes to accept the Emergency Suspension order and authorize the Chair to sign. Seconded by Ms. Prather and Mr. Timmins, motion carried.

Mr. Hales discussed with the Board Idaho Code 54-5210(a) and how to deal with registrants that may have registered without meeting that legal requirement. A motion was made by Mr. Hughes to contact the registrants with a letter addressing the problem and ask them to update the information. If the registrant does not respond then the matter is to be forwarded to Mr. Hales. Seconded by Ms. Prather, motion carried.

LEGISLATIVE UPDATE

Ms. Cory discussed with the Board a note to consumers that she wanted to add to the Board's mission statement page. After discussion, it was decided that she

would also add a link to the “Consumers Guide to Hiring a Contractor”. Discussion was also held on linking the hearing notices. Mr. Hales stated that this language was in response to concerns brought by Senator Elliott Werk. The Board requested that a letter be drafted informing Senator Werk of the addition of links to the website and the new emergency suspension process. A letter responding to Senator Werk will be drafted, and prior to sending, will be presented to the Board for approval and to authorize the Chair to sign.

CORRESPONDENCE

The Board reviewed correspondence from Mr. Norman Zachary requesting the Board send an additional notice when a registration expires. The Board will keep the renewal process in.

INSURANCE AUDIT

Ms. Anderson informed the Board of this year’s insurance audit numbers. Of the original 175 audits, 10 canceled their registrations, 155 were in compliance, and 10 were forwarded to the investigative unit.

NATIONAL ASSOCIATION OF STATE CONTRACTORS LICENSING AGENICES

Ms. Anderson gave the Board a handout with a NASCLA members’ question and various states responses. Mr. Pinther gave an update on NASCLA’s Public Service Announcement scholarship contest and his attendance at the upcoming semi-annual meeting.

EXECUTIVE SESSION

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A motion was made by Mr. Hughes to exit executive session. Seconded by Mr. Timmins and Mr. Pilote, motion carried. The vote was: Mr. Pilote, aye; Mr. Hughes, aye; Mr. Timmins, aye; Ms. Prather, aye; and Mr. Pinther, aye. Motion carried.

APPLICATIONS

A motion was made by Mr. Timmins to table application #901119718 pending receipt of requested information from the applicant: The Board will re-review the

application upon receipt of the requested information. Seconded by Mr. Pilote, motion carried:

A motion was made by Mr. Hughes to approve the following application. Seconded by Mr. Timmins, motion carried:

RCT-33203 Don Tonyan

A motion to deny registration per Idaho Code 54-5216(1)-(3) was made by Mr. Hughes. Seconded by Mr. Pilote, motion carried:

Nathan Walter

A motion was made to approve the following application requests for registration by Mr. Pilote. Seconded by Mr. Hughes, motion carried:

RCT-33168 Brett Cather

RCT-33331 Joshua Snow

RCE-33256 Woodwright Custom Builders

RCE-33301 Hubbard Construction

A motion was made by Mr. Pilote to approve the following application for registration after Ms. Anderson meets with the applicant over a few discrepancies. Seconded by Mr. Hughes, motion carried:

Before and After LLC

OTHER

The Board scheduled the following Board meetings:

5/8/2012 Conference Call

6/5/2012 Conference Call

7/10/2012 Conference Call

8/7/2012 Face to Face meeting

NEXT MEETING 5/8/2012

ADJOURNMENT

A motion to adjourn at 1:15 PM MDT was made by Mr. Pilote. Seconded by Mr. Hughes, motion carried. Individual vote was: Mr. Pilote, aye; Mr. Hughes, aye; Mr. Timmins, aye; Ms. Prather, aye; and Mr. Pinther, aye. Motion carried.

Steve Pinther, Chair

Anthony J. Hughes

Timothy R Timmins

John Robert Pilote

Pamela Prather

Tana Cory, Bureau Chief